

# Local Boundary Commission Chair’s Decisional Meeting Checklist For the City of Dillingham Annexation Petition and For the City of Manokotak Annexation Petition

This is merely a synopsis of the statutes and regulations. The commissioners, parties, and public may refer to the statutes and regulations themselves for the full text.

**Chair:** I call this decisional meeting for the City of [Manokotak or Dillingham] annexation petition to order, [current date] at [current time]. Commissioners, are you prepared to proceed? I would entertain a motion regarding this petition. The floor is now open for the commissioners to discuss the following standards pertaining to this city annexation petition.

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Need (3 AAC 110.090)</b></p> <p><b>Does the territory exhibit a reasonable need for city government?</b></p> <p>The commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> <li>▪ Existing or reasonably anticipated social or economic conditions, including the extent to which residential and commercial growth of the community has occurred or is reasonably expected to occur beyond the existing boundaries of the city during the 10 years following the effective date of annexation;</li> <li>▪ Existing or reasonably anticipated health, safety, and general welfare conditions;</li> <li>▪ Existing or reasonably anticipated economic development;</li> <li>▪ Adequacy of existing services;</li> <li>▪ Extraterritorial powers available to the city to which the territory is proposed to be annexed and extraterritorial powers of nearby municipalities; and</li> <li>▪ Whether residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of services and facilities provided by the annexing city.</li> </ul> <p style="text-align: right;">[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Need (3 AAC 110.090(b))</b></p> <p><b>Can essential municipal services be provided to the territory proposed for annexation more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or non-areawide basis, or through a borough service area?</b> [commissioner discussion]</p>

<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>	<p><b>Character (3 AAC 110.100)</b></p> <p><b>Is the territory compatible in character with the city?</b></p> <p>The commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> <li>▪ land use, subdivision platting, and ownership patterns;</li> <li>▪ salability of land for residential, commercial, or industrial purposes;</li> <li>▪ population density;</li> <li>▪ cause of recent population changes;</li> <li>▪ suitability of the territory for reasonably anticipated community purposes;</li> <li>▪ existing and reasonably anticipated transportation patterns and facilities; and</li> <li>▪ natural geographical features and environmental factors.</li> </ul> <p style="text-align: center;">[commissioner discussion]</p>
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>	<p><b>Resources (3 AAC 110.110)</b></p> <p><b>Does the economy within the proposed expanded boundaries include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level?</b></p> <p>The commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> <li>▪ reasonably anticipated functions of the city in the territory being annexed;</li> <li>▪ reasonably anticipated new expenses of the city that would result from annexation;</li> <li>▪ actual income and the reasonably anticipated ability to generate and collect local revenue and income from the territory;</li> <li>▪ feasibility and plausibility of those aspects of the city's anticipated operating and capital budgets that would be affected by the annexation through the period extending one full fiscal year beyond the reasonably anticipated date for completion of the transition set out in 3 AAC 110.900;</li> <li>▪ economic base of the territory within the city after annexation;</li> <li>▪ valuations of taxable property in the territory proposed for annexation;</li> <li>▪ land use in the territory proposed for annexation;</li> </ul>

		<ul style="list-style-type: none"> <li>▪ existing and reasonably anticipated industrial, commercial, and resource development in the territory proposed for annexation;</li> <li>▪ personal income of residents in the territory and in the city; and</li> <li>▪ need for and availability of employable skilled and unskilled persons to serve the city government as a result of annexation.</li> </ul> <p style="text-align: right;">[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Population (3 AAC 110.120)</b></p> <p><b>Is the population within the proposed expanded boundaries of the city sufficiently large and stable to support the extension of city government?</b></p> <p>The commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> <li>▪ census enumerations;</li> <li>▪ duration of residency;</li> <li>▪ historical population patterns;</li> <li>▪ seasonal population changes;</li> <li>▪ age distributions;</li> <li>▪ contemporary and historical public school enrollment data; and</li> <li>▪ non-confidential data from the Department of Revenue for permanent fund dividend applications.</li> </ul> <p style="text-align: right;">[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Boundaries (3 AAC 110.130(a))</b></p> <p><b>Do the proposed expanded boundaries of the city include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level?</b></p> <p>The commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> <li>▪ land use and ownership patterns;</li> <li>▪ population density;</li> <li>▪ existing and reasonably anticipated transportation patterns and facilities;</li> <li>▪ natural geographical features and environmental factors; and</li> <li>▪ extraterritorial powers of cities.</li> </ul> <p style="text-align: right;">[commissioner discussion]</p>

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Boundaries (3 AAC 110.130(b))</b></p> <p><b>Is the territory contiguous to the city?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Does the territory create enclaves in the city?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>[If no to the two previous questions, skip this question.]</p> <p><b>If yes to either or both of the previous questions, is there a specific and persuasive showing that the territory does include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Boundaries (3 AAC 110.130(c)(1))</b></p> <p><b>To promote the limitation of community, are the proposed expanded boundaries of the city on a scale suitable for city government? Do they include only that territory comprising an existing local community, plus reasonably expected growth, development, and public safety needs during the 10 years following the effective date of annexation?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Boundaries (3 AAC 110.130(c)(2))</b></p> <p><b>To promote the limitation of community, the proposed expanded boundaries of the city may not include entire geographical regions or large unpopulated areas. Do they include entire geographical regions or large unpopulated areas?</b></p> <p>[If no, skip next question]</p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>If <u>yes</u>, are those proposed expanded boundaries justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135 and are otherwise suitable for city government?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Boundaries (3 AAC 110.130(d))</b></p> <p><b>Does the petition for annexation to the city describe boundaries overlapping the boundaries of an existing organized borough? [If no, skip next question]</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>If <u>yes</u>, does the petition for annexation also address and comply with the standards and procedures for either annexation of the enlarged city to the existing organized borough, or detachment of the enlarged city from the existing organized borough?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Does the petition for annexation to the city describe boundaries overlapping the</b></p>

		<b>boundaries of another existing city? [If no, skip next question]</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>If yes, does the petition for annexation also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Determination of Maximum Local Self Government (3 AAC 110.981(7))</b>  <b>Does the proposed boundary change promote maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska?</b>  In this regard, the commission will consider for city incorporation or annexation in the unorganized borough, whether the proposal would extend local government to territory and population of the unorganized borough where no local government currently exists.  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Minimum Number of Local Government Units (3 AAC 110.982(7))</b>  <b>Does the proposed city annexation promote a minimum number of local government units under art. X, sec. 1, Constitution of the State of Alaska?</b>  In this regard, the commission will consider whether the jurisdictional boundaries of an existing city are being enlarged rather than promoting the incorporation of a new city or creation of a new borough service area.  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Best Interests of the State (3 AAC 110.135)</b>  <b>Is annexing the territory to the city in the best interests of the state?</b>  The commission may consider relevant factors, including whether annexation: <ul style="list-style-type: none"> <li>▪ promotes maximum local self-government</li> <li>▪ promotes a minimum number of local government units</li> <li>▪ will relieve the state government of the responsibility of providing local services.</li> </ul> [commissioner discussion]
<b>Legislative Review (3 AAC 110.140)</b>		
<b>Does one of the following 8 circumstances exist?</b>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(1) Is the territory wholly or substantially surrounded by the annexing city?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(2) Is it determined that the health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and annexation will enable the city to regulate or control the detrimental effects of those conditions?</b>

		[commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(3) Is it determined that the extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>4) Is it determined that residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate tax contributions, whether these city benefits are rendered or received inside or outside the territory, and no practical or equitable alternative method is available to offset the cost of providing these benefits?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(5) Is it determined that annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the territory that otherwise may adversely impact the city?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(6) Is it determined that annexation of the territory will promote maximum local self-government <u>AND</u> a minimum number of local government units?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(7) Is it determined that annexation of the territory will enhance the extent to which the existing city meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, and 3 AAC 110.005 – 3 AAC 110.042, and is in the best interests of the state?</b>  [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(8) Is it determined that specific policies set out in the Constitution of the State of Alaska, AS 29.04, AS 29.05, or AS 29.06 are best served through annexation of the territory by the legislative review process, and that annexation is in the best interest of the state?</b>  [commissioner discussion]
<b>If at least one of these eight factors is met, then 3 AAC 110.140 is met.</b>		

<b>Transition (3 AAC 110.900)</b>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>(a) Does the petition include a practical plan that demonstrates the capacity of the municipal government to extend essential municipal services into the boundaries proposed for change in the shortest practical time after the effective date of the proposed change?</b>  [commissioner discussion]

<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p><b>(b) Does the petition include a practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity located within the boundaries proposed for change?</b></p> <p>[commissioner discussion]</p> <p><b>Was the plan prepared in consultation with the officials of each existing borough, city, and unorganized borough service area?</b></p> <p>[commissioner discussion]</p> <p><b>Is the plan designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change?</b></p> <p>[commissioner discussion]</p>
<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p><b>(c) Does the petition include a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entity located within the boundaries proposed for change?</b></p> <p>[commissioner discussion]</p> <p><b>Was the plan prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included within the boundaries proposed for change?</b></p> <p>[commissioner discussion]</p> <p><b>Is the plan designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change?</b></p> <p>[commissioner discussion]</p> <p><b>Does the plan specifically address procedures that ensure that the transfer and integration occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities?</b></p> <p>[commissioner discussion]</p>
<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p><b>(d) Is it necessary to require that boroughs, cities, unorganized borough service areas, or other entities wholly or partially included within the boundaries of the proposed change execute an agreement prescribed or approved by the commission for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities? [*Optional by vote of commission]</b></p> <p>[commissioner discussion]</p>

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>(e) Does the transition plan state the names and titles of all the officials of each existing borough, city, and unorganized borough service area that were consulted by the petitioner?</b></p> <p>[commissioner discussion]</p> <p><b>Are the dates on which that consultation occurred and the subject addressed during that consultation also listed?</b></p> <p>[commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>(f) Was the prospective petitioner unable to consult with officials because those officials chose not to consult or were unavailable during reasonable times to consult?</b></p> <p>[commissioner discussion]</p> <p>[If no, this standard is met, and the LBC can skip to 3 AAC 110.910.]</p> <p><b>If the answer is yes, does the petitioner ask the commission to waive the consultation requirement, and does the request for a waiver document all attempts by the prospective petitioner to consult with officials of each existing borough, city, and unorganized borough service area?</b></p> <p>[commissioner discussion]</p> <p><b>If yes, does the LBC find that the petitioner acted in good faith and that further efforts to consult with the officials would not be productive in a reasonable period of time?</b></p> <p>[commissioner discussion]</p> <p><b>If yes, does the LBC grant that waiver?</b></p> <p>[commissioner discussion]</p>
<b>Statement of Nondiscrimination (3 AAC 110.910)</b>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Does the effect of the proposed change deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin?</b></p> <p>[commissioner discussion]</p>
<b>Determination of Essential Municipal Services (3 AAC 110.970(c))</b>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p><b>Does a provision of this chapter call for the identification of essential municipal services for a city?</b></p> <p>*The commission may determine essential municipal services for a city to include:</p> <p>(1) levying taxes;</p> <p>(2) for a city in the unorganized borough, assessing the value of taxable property;</p> <p>(3) levying and collecting taxes;</p> <p>(4) for a first class or home rule city in the unorganized borough, establishing, maintaining, and operating a system of public schools within the city as provided in AS 14.14.065;</p> <p>(5) public safety protection;</p> <p>(6) planning, platting, and land use regulation; and</p>



		<p>(7) other services that the commission considers reasonably necessary to meet the local governmental needs of the residents of the community.</p> <p>[commissioner discussion]</p>
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>	<p>[skip if previous answer is no]</p> <p><b>If yes, do those services consist of those mandatory and discretionary powers and facilities that are reasonably necessary to the community?</b></p> <p>[commissioner discussion]</p>
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>	<p>[skip if previous answer is no]</p> <p><b>If yes, do those essential municipal services consist of mandatory and discretionary powers and facilities that promote maximum local self-government?</b></p> <p>[commissioner discussion]</p>
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>	<p><b>If yes, can those essential municipal services that consist of mandatory and discretionary powers and facilities be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state?</b></p> <p>[commissioner discussion] <b>If no, this standard is met.</b></p>